



UNITED STATES PATENT AND TRADEMARK OFFICE

CW

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,965	08/24/2001	Ambers F. Williams	AJW0001	2142

7590
Curtis W. Dodd
2803 Bentley Street
Huntsville, AL 35801

06/23/2003

EXAMINER

NEWHOUSE, NATHAN JEFFREY

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 06/23/2003 *6*

Please find below and/or attached an Office communication concerning this application or proceeding.

Y.K

Office Action Summary

Application No.

09/938,965

Applicant(s)

WILLIAMS, AMBERS F.

Examiner

Nathan J. Newhouse

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3727

DETAILED ACTION

Drawings

1. The drawings are objected to because they contain a written description on the figures. Applicant should only use the reference numbers on the drawings for the different parts of the invention and refer to these numbers within the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 6-7 are objected to because of the following informalities: these claims should end with a period. Appropriate correction is required.

3.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-4 and 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are rejected as it is unclear what the difference between the gun mount and the bow mount is and what structure comprises each. Furthermore, it would appear from applicant's specification and drawings that the same mount is used to

either a gun or a bow. As a result the terms "gun mount" and "bow mount" are indefinite as to their meaning.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Del Pesco(US 3,428,286).

Del Pesco teaches a mount (62), shaft members (18) with swivel joints (46, 52, 54) on each end and a clamp (90, 92). The swivel joints are lockable by screws (42, 60). The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Del Pesco which is capable of being used in the intended manner, i.e., as a gun or bow mount as any flat surface can be utilized as a gun rest (see M.P.E.P. 2111).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3727

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thaxton (US 6,286,797) in view of Del Pesco (US 3,428,286) and Chen (US 5,360,018).

Thaxton, as shown in figure 4, teaches a clamp (51, 52), a mount (31, 32) and a universal ball joint (71) to allow compound (swiveling and pivoting) movement therebetween. The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Thaxton which is capable of being used in the intended manner, i.e., the clamp to mount on an ATV, and the mount to be a gun/bow rest or mount (see M.P.E.P. 2111). Thaxton does not teach the two ball joints, threaded lock nuts and a threaded shaft between the clamp and the mount.

Del Pesco teaches the use of multiple ball joints interconnected by shafts to allow for compound (swiveling and pivoting) movement, as well as vertical and horizontal movement of the mount (62) relative to the clamp (90,92). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize multiple ball joints interconnected by shafts to allow for both compound movement (swiveling and pivoting) and horizontal and vertical movement of the mount (31, 32) of Thaxton with respect to the clamp (51, 52).

Chen teaches the use of a threaded lock nut (78) and threaded shaft (80) to seat a ball joint (72) and lock the ball joint in any desired location. See column 5, lines 41-62. This lockable swivel ball joint is an improvement over the lockable swivel ball joints of Del Pesco as the lock screws (42, 60) that hold the ball joint in a fixed orientation

Art Unit: 3727

require the use of a tool such as a screwdriver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the shaft and ball joints of Del Pesco with threaded shafts, threaded nuts and ball joints of Chen to enable the ball joints to be locked in any desired angular orientation with a user's hand and without the need of separate tool.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marks, Murdock and Cohen teach the use of clamps to mount various objects and ball joints to allow for compound movement of that object relative to the clamp.

Vasconi, Downing, Hancock et al., Leonard, Savant, Kervin and Shepard et al. teach gun mounts for vehicles.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, "should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners", M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to

Art Unit: 3727

Tech Center 3700 Customer Service at (703) 306-5648, email

CustomerService3700@uspto.gov .


Any inquiry concerning the merits of the examination of the application from the examiner should be directed to Nathan J. Newhouse whose telephone number is (703)-308-4158. The examiner can normally be reached on Monday-Thursday 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (703)-308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Increase Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov


Nathan J. Newhouse
Primary Examiner
Art Unit 3727

June 13, 2003